

Exhibit 23

**CONSTANCE MANGAN
FISCHER V. GEICO**

August 09, 2024

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<p>1</p> <p>2 IN THE UNITED STATES DISTRICT COURT</p> <p>3 FOR THE EASTERN DISTRICT OF NEW YORK</p> <p>4 - - - - -)</p> <p>5 KEITH FISCHER, MICHAEL O'SULLIVAN,)</p> <p>6 JOHN MOESER, LOUIS PIA, THOMAS) Case No.:</p> <p>7 BARDEN, CONSTANCE MANGAN, and) 2:23 Civ. 2848</p> <p>8 CHARISE JONES, individually and) (GRB) (ARL)</p> <p>9 on behalf of all others similarly)</p> <p>10 situated,)</p> <p>11 Plaintiffs,)</p> <p>12 - v -)</p> <p>13 GOVERNMENT EMPLOYEES INSURANCE)</p> <p>14 COMPANY d/b/a GEICO,)</p> <p>15 Defendant.)</p> <p>16 - - - - -)</p> <p>17</p> <p>18 VIDEOTAPED DEPOSITION OF CONSTANCE MANGAN</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Reported by:</p> <p>24 Kim M. Brantley</p> <p>25 Job No: J11541509</p>	<p>1 CONSTANCE MANGAN</p> <p>2 APPEARANCES CONTINUED:</p> <p>3 On behalf of the Defendant GEICO:</p> <p>4 DUANE MORRIS, LLP</p> <p>5 190 South LaSalle Street - Suite 3700</p> <p>6 Chicago, Illinois 60603</p> <p>7 (312) 499-0198</p> <p>8 Email: tealberty@duanemorris.com</p> <p>9 BY: TIFFANY ALBERTY, ESQUIRE</p> <p>10</p> <p>11 Also On behalf of the Defendant GEICO:</p> <p>12 DUANE MORRIS, LLP</p> <p>13 1540 Broadway - 14th Floor</p> <p>14 New York, New York 10036</p> <p>15 (212) 471-1856</p> <p>16 Email: gsslotnick@duanemorris.com</p> <p>17 BY: GREGORY SLOTNICK, ESQUIRE (Via Zoom)</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 SILVIO FACCHIN, Legal Video Specialist</p> <p>21 Esquire Deposition Solutions</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 CONSTANCE MANGAN</p> <p>2 Thursday, August 9, 2024</p> <p>3 Time: 9:35 a.m.</p> <p>4 Videotaped deposition of CONSTANCE MANGAN,</p> <p>5 held at Duane Morris, LLP, 1540 Broadway, 14th</p> <p>6 Floor, New York, New York, before Kim M. Brantley,</p> <p>7 Court Reporter and Notary Public of the State of</p> <p>8 New York.</p> <p>9</p> <p>10 APPEARANCES:</p> <p>11 On behalf of the Plaintiffs:</p> <p>12 OUTTEN & GOLDEN, LLP</p> <p>13 1225 New York Avenue NW - Suite 1200B</p> <p>14 Washington, DC, 20007</p> <p>15 (202) 847-4400</p> <p>16 Email: hcolechu@outtengolden.com</p> <p>17 BY: HANNAH COLE-CHU, ESQUIRE</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 CONSTANCE MANGAN</p> <p>2 P R O C E E D I N G S</p> <p>3 THE LEGAL VIDEO SPECIALIST: This is</p> <p>4 the media labeled number one in the video recorded</p> <p>5 deposition of Constance Mangan in the matter of</p> <p>6 Keith Fischer, et al., versus Government Employee</p> <p>7 Insurance Company, doing business as GEICO.</p> <p>8 This deposition is being taken in New</p> <p>9 York City, New York, on August 9th, 2024. My name</p> <p>10 is Silvio Facchin. I am a certified legal video</p> <p>11 specialist; the court reporter is Kim Brantley,</p> <p>12 and we are both representing Esquire Deposition</p> <p>13 Solutions.</p> <p>14 We are now going on the record. The</p> <p>15 time is 9:35 a.m.</p> <p>16 Counsel will state their appearances</p> <p>17 for the record.</p> <p>18 MS. COLE-CHU: Hannah Cole-Chu for the</p> <p>19 plaintiffs and the witness, Connie Mangan.</p> <p>20 MS. ALBERTY: Tiffany Alberty and</p> <p>21 Gregory Slotnick on behalf of the defendants,</p> <p>22 GEICO.</p> <p>23 THE LEGAL VIDEO SPECIALIST: And will</p> <p>24 the court reporter please swear in the</p> <p>25 witness.</p>

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<p style="text-align: right;">Page 29</p> <p>1 CONSTANCE MANGAN</p> <p>2 A. Woodbury.</p> <p>3 Q. Do you know what other offices there</p> <p>4 are in New York?</p> <p>5 A. Well, there is an office upstate, but I</p> <p>6 don't exactly know where, and then the Woodbury</p> <p>7 office covers pretty much everything. That's the</p> <p>8 main office, to the best of my knowledge. Even</p> <p>9 the upstate people had to report to Woodbury.</p> <p>10 Q. I think you described yourself as a</p> <p>11 special investigator. Is that right?</p> <p>12 A. I am --</p> <p>13 MS. COLE-CHU: Objection.</p> <p>14 THE WITNESS: -- a senior investigator.</p> <p>15 Sorry, Hannah.</p> <p>16 BY MS. ALBERTY:</p> <p>17 Q. That's okay.</p> <p>18 A. -- in the special investigations unit.</p> <p>19 Q. Were you any specific level?</p> <p>20 A. Yes.</p> <p>21 Q. What level?</p> <p>22 A. Level sixty-five.</p> <p>23 Q. Since you were with GEICO for a very</p> <p>24 long time --</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 31</p> <p>1 CONSTANCE MANGAN</p> <p>2 Q. Did you shadow anyone -- and I want to</p> <p>3 narrow more on the time frame just because you</p> <p>4 were with GEICO for so long. So really the focus</p> <p>5 is going to be 2016 to 2020.</p> <p>6 A. Okay.</p> <p>7 Q. Did you ever shadow any employees?</p> <p>8 A. Shadow? I -- I'm not sure I understand</p> <p>9 what you mean by "shadow".</p> <p>10 Q. Sure. As to oversee but not</p> <p>11 necessarily supervise.</p> <p>12 A. No. I did have an intern go out with</p> <p>13 me -- I think two interns potentially, just they</p> <p>14 shadowed me. So they went with me to see what the</p> <p>15 job was like and what the responsibilities were,</p> <p>16 but I did not shadow anyone else that I can</p> <p>17 remember.</p> <p>18 Q. Other than the interns that shadowed</p> <p>19 you, did you have any other employees that</p> <p>20 shadowed you during that four-year time period?</p> <p>21 A. I don't really remember. I'm not --</p> <p>22 I'm not sure.</p> <p>23 Q. To your knowledge was there a</p> <p>24 difference between a senior field security</p> <p>25 investigator and a senior outside security</p>
<p style="text-align: right;">Page 30</p> <p>1 CONSTANCE MANGAN</p> <p>2 Q. -- did your levels ever change?</p> <p>3 A. No.</p> <p>4 Q. So throughout your entire tenure you</p> <p>5 were a level sixty-five senior special</p> <p>6 investigator?</p> <p>7 A. Level sixty-five senior investigator,</p> <p>8 special investigations unit.</p> <p>9 Q. What were your duties and</p> <p>10 responsibilities?</p> <p>11 A. To investigate fraud or suspected</p> <p>12 fraud; to gather evidence of fraud; to interview</p> <p>13 claimants; to review files; to conduct background</p> <p>14 checks and other computer inquiries; to take</p> <p>15 statements; to sometimes conduct our surveillance;</p> <p>16 to do clinic inspections and clinic visits; to</p> <p>17 visit pharmacies; to visit police precincts</p> <p>18 regarding police reports; to conduct examinations</p> <p>19 under oath; to prepare reports, and to submit</p> <p>20 reports; to speak with other units within GEICO</p> <p>21 such as the PIP unit, which is the personal injury</p> <p>22 protection unit; or the theft unit; or the auto</p> <p>23 damage, auto body unit.</p> <p>24 Q. Did you supervise anybody?</p> <p>25 A. No. I'm bossy, but not the supervisor.</p>	<p style="text-align: right;">Page 32</p> <p>1 CONSTANCE MANGAN</p> <p>2 investigator?</p> <p>3 MS. COLE-CHU: Objection to form.</p> <p>4 THE WITNESS: I -- the term, the first</p> <p>5 term you said, was that senior security field</p> <p>6 investigator?</p> <p>7 BY MS. ALBERTY:</p> <p>8 Q. Yep.</p> <p>9 A. I'm not familiar with that title, but</p> <p>10 field investigators was what we were also referred</p> <p>11 to as.</p> <p>12 Q. What about senior outside security</p> <p>13 investigators?</p> <p>14 A. Well, we were senior investigators, so</p> <p>15 assigned to the field.</p> <p>16 Q. Were there other senior investigators</p> <p>17 that were assigned to a different unit than the</p> <p>18 one that you worked on?</p> <p>19 A. Yes, there were -- I'm sorry. Well,</p> <p>20 I -- I want to correct myself because I know there</p> <p>21 were other investigators assigned to what we call</p> <p>22 inside staff, but if their title was senior</p> <p>23 investigator, I cannot say that with certainty.</p> <p>24 I'm not sure what their title was exactly. It may</p> <p>25 be senior investigator.</p>

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<p>1 CONSTANCE MANGAN</p> <p>2 Let's take a peak at page --</p> <p>3 A. Sure.</p> <p>4 Q. -- three, and then number nine.</p> <p>5 A. Did you say number nine?</p> <p>6 Q. Yep.</p> <p>7 A. Oh, okay. Thank you.</p> <p>8 Q. So number nine states, "My supervisor</p> <p>9 told me I could work up to -- only up to 38.75</p> <p>10 hours per week, even though I had frequent</p> <p>11 conversations with my supervisors that it was not</p> <p>12 possible to complete our work within these hours.</p> <p>13 "Accordingly, I enter only 7.75 hours</p> <p>14 per day, five days a week, regardless of how many</p> <p>15 hours I actually worked."</p> <p>16 As to the consistency in -- your</p> <p>17 declaration that states "further conversations</p> <p>18 with my supervisors," can you tell me at any time</p> <p>19 when that occurred?</p> <p>20 A. I'm sorry, could you ask me that</p> <p>21 question again?</p> <p>22 Q. Sure. And I -- I'm looking at the</p> <p>23 first sentence of declaration number nine where it</p> <p>24 says "frequent conversations with my supervisors,"</p> <p>25 where you were saying you couldn't complete your</p>	<p>1 CONSTANCE MANGAN</p> <p>2 So for myself, I would say that I was</p> <p>3 alone during those conversations.</p> <p>4 Q. Did you ever record any of these</p> <p>5 conversations?</p> <p>6 A. No, I did not.</p> <p>7 Q. Under -- same page --</p> <p>8 A. Okay.</p> <p>9 Q. -- on number eleven, you state, "GEICO</p> <p>10 required me to seek approval from my supervisor to</p> <p>11 submit any hours worked above 38.75."</p> <p>12 Which supervisor told you that?</p> <p>13 A. If I had to name a specific supervisor,</p> <p>14 I can recall having that conversation with Brian</p> <p>15 Portnoy, with Toni D'Agata, and I believe Dara</p> <p>16 Campbell, I believe, to the best of my</p> <p>17 recollection.</p> <p>18 Q. Do you recall when they had told you</p> <p>19 this?</p> <p>20 A. Any time I brought up the amount of</p> <p>21 hours I was actually working to complete my cases,</p> <p>22 and we discussed the possibility of being paid</p> <p>23 overtime for it. So that would be when we would</p> <p>24 have those conversations. Not specific dates. I</p> <p>25 don't know.</p>
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<p>1 CONSTANCE MANGAN</p> <p>2 work within these hours.</p> <p>3 A. Right.</p> <p>4 Q. Can you tell me when those</p> <p>5 conversations occurred with your supervisors?</p> <p>6 A. Well, frequently we had those</p> <p>7 conversations, and we had conversations outside of</p> <p>8 actual official meetings. We had conversations on</p> <p>9 the phone, or conversations via email from time to</p> <p>10 time.</p> <p>11 So, frequent, I -- I can't really nail</p> <p>12 that down I don't think to anything much more</p> <p>13 specific than that.</p> <p>14 Q. And I believe from what you testified</p> <p>15 to where the conversations took place would have</p> <p>16 been in person, on the phone, or via email.</p> <p>17 Is that right?</p> <p>18 A. Yes, that would be accurate.</p> <p>19 Q. When you had these conversations within</p> <p>20 any mode of communication, was there anyone else</p> <p>21 who would have been present to hear your</p> <p>22 complaints, other than you and your supervisors?</p> <p>23 A. Well, for any non -- any conversation</p> <p>24 not in person, it would be impossible for me to</p> <p>25 answer that for anyone other than myself.</p>	<p>1 CONSTANCE MANGAN</p> <p>2 Q. Would this be consistent with -- strike</p> <p>3 that.</p> <p>4 Where did these conversations take</p> <p>5 place?</p> <p>6 A. The -- the same as I previously</p> <p>7 testified. I believe -- I can't think of anything</p> <p>8 outside of either a telephone call, or an email</p> <p>9 conversation, or an in-person conversation.</p> <p>10 Q. Would it be true then it was just the</p> <p>11 two of you having those conversations, nobody else</p> <p>12 would be involved?</p> <p>13 MS. COLE-CHU: Objection to form.</p> <p>14 THE WITNESS: Yeah, I can only answer</p> <p>15 again for myself, because I'm in my home on</p> <p>16 my computer.</p> <p>17 Whether or not my supervisor was alone</p> <p>18 or in the presence of anybody else, I don't</p> <p>19 know. I couldn't answer that.</p> <p>20 BY MS. ALBERTY:</p> <p>21 Q. So any time that you had complaints</p> <p>22 that you had to exceed then the 38.75 hours in a</p> <p>23 work week, Brian, Toni, Dara would then talk to</p> <p>24 you about entering in overtime, correct?</p> <p>25 MS. COLE-CHU: Objection to form.</p>

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<p style="text-align: right;">Page 105</p> <p>1 CONSTANCE MANGAN</p> <p>2 THE WITNESS: Yeah, I'm going to have</p> <p>3 to ask you to repeat that question again.</p> <p>4 BY MS. ALBERTY:</p> <p>5 Q. Sure.</p> <p>6 A. I got a little lost in there.</p> <p>7 Q. That's okay.</p> <p>8 I think you said any time you would</p> <p>9 bring up the amount of time it would take for you</p> <p>10 to do your job and exceed then the 38.75 hours,</p> <p>11 that your supervisors would then bring up the</p> <p>12 discussion of overtime?</p> <p>13 A. That's not correct. If I testified to</p> <p>14 that, then that's not correct.</p> <p>15 It's -- we would constantly have</p> <p>16 conversations about working hours in excess of the</p> <p>17 7.75 per day. There was a time when overtime was</p> <p>18 offered, and there were times when we had</p> <p>19 conversations about that offered overtime.</p> <p>20 Q. Okay, so GEICO offered overtime. Did</p> <p>21 you enter your overtime hours?</p> <p>22 MS. COLE-CHU: Objection to form.</p> <p>23 THE WITNESS: I can recall submitting</p> <p>24 overtime hours on very few occasions.</p> <p>25</p>	<p style="text-align: right;">Page 107</p> <p>1 CONSTANCE MANGAN</p> <p>2 could potentially be approved, and then I could</p> <p>3 get two hours.</p> <p>4 But the supervisors consistently told</p> <p>5 us we only work 7.75 hours a day, we only work</p> <p>6 38.75 hours a week, in spite of the fact that I</p> <p>7 was working overtime on a regular basis every</p> <p>8 week.</p> <p>9 Q. Okay.</p> <p>10 A. Okay.</p> <p>11 Q. But you -- you were already in contact</p> <p>12 with your supervisors. So contacting your</p> <p>13 supervisors wasn't anything that was abnormal.</p> <p>14 You were already doing that, right?</p> <p>15 MS. COLE-CHU: Objection to form.</p> <p>16 THE WITNESS: To me it's an additional</p> <p>17 procedure that took time, and because I was</p> <p>18 so crunched for time, and we were all so</p> <p>19 pressed for time, it seemed like even the</p> <p>20 smallest thing was just another layer,</p> <p>21 another thing, another procedure that we had</p> <p>22 to go through in order to get this process</p> <p>23 done.</p> <p>24 So, because of the circumstances I</p> <p>25 already felt that I was in, to add another</p>
<p style="text-align: right;">Page 106</p> <p>1 CONSTANCE MANGAN</p> <p>2 BY MS. ALBERTY:</p> <p>3 Q. When you submitted your overtime hours,</p> <p>4 were you paid for that overtime?</p> <p>5 A. To the best of my recollection I was</p> <p>6 paid for the overtime I submitted, yes.</p> <p>7 Q. Okay, number twelve of your</p> <p>8 declaration, which is going to be page three and</p> <p>9 four, states "The process for requesting overtime</p> <p>10 approval was onerous and deterred me from</p> <p>11 reporting overtime I worked."</p> <p>12 A. I see that.</p> <p>13 Q. In -- in what way do you mean that it</p> <p>14 was "onerous"?</p> <p>15 A. To me it felt onerous due to the fact</p> <p>16 that I had to contact my supervisor; I had to</p> <p>17 request permission to submit for overtime; I had</p> <p>18 to cite a specific case or cases that I would</p> <p>19 require the overtime for, and then I had to</p> <p>20 specify the number of hours I anticipated needing</p> <p>21 to complete that task on that day that would</p> <p>22 require overtime.</p> <p>23 Now, if I underestimated, I was not</p> <p>24 permitted to correct it. So if I said, "I'm going</p> <p>25 to need two more hours" because, I'm guessing, it</p>	<p style="text-align: right;">Page 108</p> <p>1 CONSTANCE MANGAN</p> <p>2 thing to that was onerous and -- and to -- to</p> <p>3 me excessive.</p> <p>4 BY MS. ALBERTY:</p> <p>5 Q. When you made the request, how would</p> <p>6 you do it?</p> <p>7 MS. COLE-CHU: Objection to form.</p> <p>8 THE WITNESS: So the request for</p> <p>9 overtime, to the best of my recollection, was</p> <p>10 via email to my direct supervisor.</p> <p>11 BY MS. ALBERTY:</p> <p>12 Q. When you made the request for overtime,</p> <p>13 was it always approved?</p> <p>14 A. To the best of my recollection, I would</p> <p>15 say yes, but I made, as I said, very few requests.</p> <p>16 BY MS. ALBERTY:</p> <p>17 Q. Do you recall specifically who you made</p> <p>18 the request through? And what I mean by that is</p> <p>19 not just the general supervisors, like a named</p> <p>20 person.</p> <p>21 A. Well, the supervisors that I had, which</p> <p>22 would have been Brian Portnoy, or Toni D'Agata, or</p> <p>23 Dara Campbell, going back to Kevin Moynihan, but</p> <p>24 that's again possibly before 2016, so.</p> <p>25 Q. So as far as the process of emailing</p>

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<p>1 CONSTANCE MANGAN</p> <p>2 your supervisor saying to him, "I'm going to need</p> <p>3 X amount of overtime hours for these cases this</p> <p>4 week," that was something that you were doing</p> <p>5 while you were under the supervision of Kevin as</p> <p>6 well?</p> <p>7 A. We never submitted for overtime when I</p> <p>8 worked for Kevin Moynihan. I don't even recall</p> <p>9 overtime being an option when I worked for Kevin</p> <p>10 Moynihan.</p> <p>11 The subject of ever submitting overtime</p> <p>12 came up sometime later, but I don't know when. I</p> <p>13 could not even tell you a year, because I just</p> <p>14 don't recall.</p> <p>15 Q. Did you ever have the time that you</p> <p>16 underestimated the amount of overtime that you</p> <p>17 needed and had to go back and ask for more time?</p> <p>18 A. I never went back to ask for more time,</p> <p>19 but I would sometimes work more than what I had</p> <p>20 submitted for.</p> <p>21 Q. Why wouldn't you go back and ask for</p> <p>22 more time?</p> <p>23 A. My understanding was that overtime was</p> <p>24 discouraged, and to go back and try to get an</p> <p>25 additional hour approved on top of the two hours I</p>	<p>1 CONSTANCE MANGAN</p> <p>2 my normally scheduled hours."</p> <p>3 And they would say, "We understand, but</p> <p>4 there's nothing we can do about it."</p> <p>5 Q. But you had the ability, though, to</p> <p>6 still request overtime?</p> <p>7 A. The problem to my understanding with</p> <p>8 requesting overtime was that affected my ability</p> <p>9 to -- not my ability, I apologize. It affected my</p> <p>10 qualification to be assigned more cases. So,</p> <p>11 while I was already feeling extremely</p> <p>12 overwhelmed -- I can recall having this</p> <p>13 conversation with Toni D'Agata especially, not on</p> <p>14 a particular date, but I can remember having this</p> <p>15 conversation with her, that -- and I -- I believe</p> <p>16 Dara as well -- that if you submitted say in a</p> <p>17 week that you worked fifty hours, that would then</p> <p>18 trigger the assignment of more cases to you,</p> <p>19 because you are now available on more hours.</p> <p>20 So, I'm doing the overtime to complete</p> <p>21 the cases I already have -- and I'm failing to do</p> <p>22 that a lot of the time -- and now if I submit all</p> <p>23 of my actual overtime hours, all of the hours that</p> <p>24 I was working, say fifty hours, that would then</p> <p>25 trigger the assignment of additional cases adding</p>
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<p>1 CONSTANCE MANGAN</p> <p>2 had already requested, I didn't feel confident</p> <p>3 that it would be approved, and I also did not</p> <p>4 really want to have to go through another process</p> <p>5 of submitting a request for an approval and</p> <p>6 specifying a case for another hour of overtime,</p> <p>7 especially when my -- my supervisors were saying</p> <p>8 we shouldn't be doing it.</p> <p>9 Q. What do you mean -- excuse me, what do</p> <p>10 you mean that you felt your overtime requests were</p> <p>11 discouraged?</p> <p>12 A. Because our -- as I have stated and I</p> <p>13 would tell my supervisors, there is no way I can</p> <p>14 complete my investigations, my reports, within the</p> <p>15 time frame of 7.75 hours a day; that in order to</p> <p>16 complete my work I had to work in excess of those</p> <p>17 hours on a regular basis.</p> <p>18 And the response that I received from</p> <p>19 my supervisors -- and that would be all of the</p> <p>20 supervisors that I have named so far -- was that</p> <p>21 Don't do overtime. Work 38.75; work 7.75."</p> <p>22 My response would be, "But I have to,</p> <p>23 because it affects my performance evaluation. It</p> <p>24 affects my case rating. There's no way that I can</p> <p>25 do -- finish these cases if I don't work more than</p>	<p>1 CONSTANCE MANGAN</p> <p>2 to my caseload. And the supervisors didn't want</p> <p>3 us to do that. They knew he had an unmanageable</p> <p>4 and unreasonable caseload, and they constantly</p> <p>5 told me and -- and everybody -- not everybody, but</p> <p>6 most the people that I spoke with and worked with</p> <p>7 that I knew and had conversations with, that we</p> <p>8 were limited to a 7.75-hour day, in spite of the</p> <p>9 fact that we were all complaining and all saying</p> <p>10 that we're all working way past that.</p> <p>11 There was -- just seemed to be no</p> <p>12 avenue to satisfy that problem.</p> <p>13 Q. With regard to supervisors saying</p> <p>14 "Don't do overtime" -- I think that's what the</p> <p>15 phrase you had stated --</p> <p>16 A. Yeah.</p> <p>17 Q. Was that ever in any type of GEICO</p> <p>18 policy?</p> <p>19 MS. COLE-CHU: Objection to form.</p> <p>20 THE WITNESS: My recollection of those</p> <p>21 conversations were specifically telephone</p> <p>22 conversations, in-person conversations,</p> <p>23 predominantly.</p> <p>24 BY MS. ALBERTY:</p> <p>25 Q. Do you ever recall seeing that in an</p>

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<p>Page 149</p> <p>1 CONSTANCE MANGAN</p> <p>2 A. Specifically that's harder to answer,</p> <p>3 but I know that I had discussions like that with</p> <p>4 Tony Geraci, and with Dave Jones, George McManus,</p> <p>5 Mark Giambalvo.</p> <p>6 I mean, if I have to specifically name</p> <p>7 a person or persons, I know for sure I would</p> <p>8 have -- I -- not would have. I know for sure I</p> <p>9 had conversations with them about working extra</p> <p>10 hours every week and not submitting overtime for</p> <p>11 it.</p> <p>12 Q. Do you remember what their response</p> <p>13 was?</p> <p>14 A. They were doing the same thing.</p> <p>15 Q. Was that their response?</p> <p>16 A. Yeah, there was head nodding and, "Yes,</p> <p>17 that's -- we're all doing that." Or "I worked</p> <p>18 until 10:00 o'clock the other night," or "I turned</p> <p>19 my computer on on the weekend."</p> <p>20 It was -- that was the kind of response</p> <p>21 that a we were sharing.</p> <p>22 Q. With management did you ever tell them</p> <p>23 that you were working fifty to sixty hours a week</p> <p>24 and that you weren't putting in your overtime for</p> <p>25 those hours?</p>	<p>Page 151</p> <p>1 CONSTANCE MANGAN</p> <p>2 Q. Did they say specifically that it would</p> <p>3 be "detrimental" if you put in those hours, even</p> <p>4 though you were working those hours?</p> <p>5 A. Is the question whether or not they</p> <p>6 used the word "detrimental" in a conversation?</p> <p>7 (Ms. Alberty nods head in the</p> <p>8 affirmative.)</p> <p>9 A. I don't remember if they did or not.</p> <p>10 Q. Did you tell Bill Newport that you were</p> <p>11 working fifty to sixty hours a week, that you were</p> <p>12 not logging your overtime hours?</p> <p>13 A. I don't recall ever having a</p> <p>14 conversation like that with them.</p> <p>15 Q. Did you tell anyone in HR?</p> <p>16 A. I did not speak to HR, no.</p> <p>17 Q. Was there any -- was there anyone that</p> <p>18 worked over Bill that you would speak with?</p> <p>19 A. No.</p> <p>20 Q. Did you ever put in writing -- whether</p> <p>21 to the SIUs, to the supervisors, to Bill -- that</p> <p>22 you were working fifty to sixty hours a week on</p> <p>23 average?</p> <p>24 A. Not to my recollection.</p> <p>25 Q. As to what weeks or how much overtime</p>
<p>Page 150</p> <p>1 CONSTANCE MANGAN</p> <p>2 A. You mean to Bill Newport specifically?</p> <p>3 Q. To your supervisors.</p> <p>4 A. My supervisors? Absolutely. They knew</p> <p>5 how many hours I was working. I told them I was</p> <p>6 working overtime every day, yeah.</p> <p>7 Q. And you told them that --</p> <p>8 A. And they knew I wasn't putting in</p> <p>9 overtime, because they would have had to approve</p> <p>10 it.</p> <p>11 Q. Right, so when you told them that you</p> <p>12 weren't putting in for overtime, but you were</p> <p>13 working the fifty to sixty hours over --</p> <p>14 A. Right.</p> <p>15 Q. -- what would they say?</p> <p>16 A. They would say, "We know, but there's</p> <p>17 nothing we can do about it."</p> <p>18 Q. Did they encourage you to put in your</p> <p>19 overtime hours?</p> <p>20 A. Well, it was specifically Toni D'Agata</p> <p>21 and Dara who pointed out to me that putting in</p> <p>22 overtime hours would be detrimental to me.</p> <p>23 So that's certainly a discouragement to</p> <p>24 me, and also it seemed to be the same answer was</p> <p>25 "Do 38.75 per week, 7.75 per day."</p>	<p>Page 152</p> <p>1 CONSTANCE MANGAN</p> <p>2 was requested by your other SIUs, you were not</p> <p>3 involved in approving any overtime hours for your</p> <p>4 colleagues, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Did anyone -- strike that.</p> <p>7 Did any of the SIUs come to you and</p> <p>8 tell you more on a number amount, similar to what</p> <p>9 you state in your declaration of fifty to sixty</p> <p>10 hours?</p> <p>11 Did any of your SIUs tell you, "Hey,</p> <p>12 I'm working seventy hours typically in a week"?</p> <p>13 MS. COLE-CHU: Objection to form.</p> <p>14 THE WITNESS: To the best of my</p> <p>15 recollection I can recall some people saying</p> <p>16 they worked longer than I was working, which</p> <p>17 I -- I found upsetting. I'm not sure exactly</p> <p>18 who. Maybe Lou Pia, but I -- I -- I believe</p> <p>19 that's the case. I would not say a hundred</p> <p>20 percent for sure.</p> <p>21 BY MS. ALBERTY:</p> <p>22 Q. Would that have been in person? on the</p> <p>23 phone? email?</p> <p>24 A. When I saw Lou Pia, it was always in</p> <p>25 person. I don't know that we spoke on the phone</p>

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<p style="text-align: right;">Page 169</p> <p>1 CONSTANCE MANGAN</p> <p>2 BY MS. ALBERTY:</p> <p>3 Q. Aside from a possible email, which I</p> <p>4 think you said maybe was an email, or maybe it was</p> <p>5 told to you, do you recall if it was anything that</p> <p>6 was a policy that was generated from GEICO?</p> <p>7 MS. COLE-CHU: Objection to form.</p> <p>8 THE WITNESS: Like I guess when you ask</p> <p>9 me that question I -- I -- the only thing I</p> <p>10 could think of is that they are the</p> <p>11 representatives of GEICO. They're my</p> <p>12 supervisors. So they are representatives of</p> <p>13 GEICO. So if they're telling me that that's</p> <p>14 what I have to do, I am assuming that that's</p> <p>15 the policy, or that that's coming from</p> <p>16 somewhere else.</p> <p>17 That's the way I -- I see it.</p> <p>18 BY MS. ALBERTY:</p> <p>19 Q. Sure, and -- and I understand that.</p> <p>20 In the form -- so, say Exhibit Number</p> <p>21 2. That's a policy; it's written out; it tells</p> <p>22 you what the overtime eligibility is; things of</p> <p>23 that nature...</p> <p>24 Was there anything that was in a formal</p> <p>25 document that you recall seeing that line-itemed</p>	<p style="text-align: right;">Page 171</p> <p>1 CONSTANCE MANGAN</p> <p>2 "year"?</p> <p>3 BY MS. ALBERTY:</p> <p>4 Q. You had said at sometime you recall a</p> <p>5 task changing from forty-eight to twenty-four</p> <p>6 hours. You couldn't tell me what year that was or</p> <p>7 when it changed.</p> <p>8 (Witness nods head in the affirmative.)</p> <p>9 Q. So in theory some of these tasks</p> <p>10 changed throughout the years, from what I'm</p> <p>11 gathering from your testimony?</p> <p>12 A. Right. Yeah, I would not be able to</p> <p>13 tell you specifically when those changes occurred.</p> <p>14 Q. Okay. Were you required to make an</p> <p>15 entry in a case daily?</p> <p>16 A. I have to think a minute.</p> <p>17 I know that they used to tell you you</p> <p>18 had to touch a case -- the initial receipt of the</p> <p>19 case that has to be acknowledged, and then I think</p> <p>20 there was -- there was definitely some sort of</p> <p>21 time structure for -- and then in three days, in</p> <p>22 so many days, and I don't remember exactly the</p> <p>23 specifics. But there was definitely a structure</p> <p>24 to that where this has to -- you have to -- you</p> <p>25 can't just like sit on a case.</p>
<p style="text-align: right;">Page 170</p> <p>1 CONSTANCE MANGAN</p> <p>2 all the tasks that you needed to do for your cases</p> <p>3 with the allocation of the time consideration for</p> <p>4 each task?</p> <p>5 A. I am not certain that there is a</p> <p>6 document that says that, but I'm not certain that</p> <p>7 there isn't. There might be.</p> <p>8 Q. You just don't remember as you sit here</p> <p>9 today?</p> <p>10 A. I don't. I'm sorry.</p> <p>11 Q. I know you stated that you personally</p> <p>12 didn't keep any records regarding your time each</p> <p>13 day that you worked, but did you keep any type of</p> <p>14 daily diary, weekly diary, monthly diary of how</p> <p>15 much work or tasks you completed each day, week,</p> <p>16 or month?</p> <p>17 MS. COLE-CHU: Objection to form.</p> <p>18 THE WITNESS: Yeah, I don't have any</p> <p>19 diaries. I didn't keep any diaries.</p> <p>20 BY MS. ALBERTY:</p> <p>21 Q. The hours it took to complete a task,</p> <p>22 that would vary depending on the task and the</p> <p>23 year, right?</p> <p>24 MS. COLE-CHU: Objection to form.</p> <p>25 THE WITNESS: What do you mean the</p>	<p style="text-align: right;">Page 172</p> <p>1 CONSTANCE MANGAN</p> <p>2 If in two weeks you have a statement</p> <p>3 scheduled, that doesn't mean you do nothing on</p> <p>4 that case for two weeks. You have to touch it in</p> <p>5 some way. You reach out; you verify a date; you</p> <p>6 do an additional computer check, whatever you</p> <p>7 think might be required for the case.</p> <p>8 So there was -- there had to be input</p> <p>9 on cases on a regular, ongoing basis.</p> <p>10 Q. Was it on a daily basis? That's the</p> <p>11 question.</p> <p>12 A. From my recollection and my experience,</p> <p>13 I don't remember having to make a daily entry on</p> <p>14 cases.</p> <p>15 Q. In your declaration it states that,</p> <p>16 "There was an evaluation on how many days I took</p> <p>17 to close a case."</p> <p>18 Walk me through that.</p> <p>19 A. So there is a -- sort of a scale or a</p> <p>20 metric for a case rating based on case life.</p> <p>21 So, case life is the time that the case</p> <p>22 is in your queue and assigned to you to the time</p> <p>23 that you close it and submit it to go back to the</p> <p>24 supervisor.</p> <p>25 So a case life with less days is a much</p>

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1	CONSTANCE MANGAN					1	CONSTANCE MANGAN
2	I N D E X					2	ACKNOWLEDGEMENT OF WITNESS
3	DEPOSITION OF CONSTANCE MANGAN					3	I, CONSTANCE MANGAN, do hereby acknowledge
4	EXAMINATION BY:				PAGE:	4	that I have read and examined the foregoing
5	Ms. Alberty				5, 282	5	testimony, and the same is a true, correct and
6	Ms. Cole-Chu				275	6	complete transcription of the testimony given by
7						7	me, and any corrections appear on the attached
8	INDEX OF DEPOSITION EXHIBITS:					8	Errata sheet signed by me.
9	MANGAN EXHIBITS:				PAGE:	9	
10	Mangan Exhibit 1. Notice of Deposition				12	10	(DATE) (SIGNATURE)
11	Mangan Exhibit 2. GEICO's Associate					11	
12	Handbook				76	12	
13	Mangan Exhibit 3. Training history log				79	13	
14	Mangan Exhibit 4. Interrogatories and					14	
15	declaration				96	15	
16	Mangan Exhibit 5. Answers to					16	
17	Interrogatories				207	17	
18	Mangan Exhibit 6. Second Amended					18	
19	Collective and Class Action Complaint				207	19	
20						20	
21	(Exhibits attached to original transcript.)					21	
22						22	
23						23	
24						24	
25						25	

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1	CONSTANCE MANGAN					1	CONSTANCE MANGAN
2	ERRATA SHEET FOR THE TRANSCRIPT OF:					2	C E R T I F I C A T E
3	Case Name: Keith Fischer, et al. vs. GEICO					3	STATE OF NEW YORK)
4	Dep. Date: August 9, 2024					4	: Ss.
5	Deponent: Constance Mangan					5	COUNTY OF NEW YORK)
6	CORRECTIONS:					6	I, Kim M. Brantley, Shorthand
7	Pg.	Ln.	Now Reads	Should Read	Reason	7	Reporter, and Notary Public within and for the
8	---	---	---	---	---	8	State of New York, do hereby certify:
9	---	---	---	---	---	9	That CONSTANCE MANGAN, the witness
10	---	---	---	---	---	10	whose deposition is hereinbefore set forth, was
11	---	---	---	---	---	11	duly sworn by me and that such deposition is a
12	---	---	---	---	---	12	true record of the testimony given by the witness.
13	---	---	---	---	---	13	I further certify that I am not related
14	---	---	---	---	---	14	to any of the parties to this action by blood or
15	---	---	---	---	---	15	marriage, and that I am in no way interested in
16	---	---	---	---	---	16	the outcome of this matter.
17	Signature of Deponent					17	IN WITNESS WHEREOF, I have hereunto set
18	SUBSCRIBED AND SWORN BEFORE ME					18	my hand this 14th day of August, 2024.
19	THIS ____ DAY OF _____, 2024					19	
20	(Notary Public)					20	<u>Kim M. Brantley</u>
21	MY COMMISSION EXPIRES: _____					21	Kim M. Brantley
22						22	
23						23	
24						24	My Commission expires May 31, 2026.
25						25	